

Senator Carroll moved that fifty copies of the bill be printed, and that the bill be made the special order for Wednesday next at 10 o'clock A. M.

Adopted.

Senator Ripetoe moved that the Senate adjourn until to-morrow morning at 9 o'clock.

Yeas and nays were demanded, and on being taken, no quorum was present.

Senator McLeary moved that the Sergeant-at-Arms be sent for absentees.

Absentees appearing, a quorum was present.

Senator Martin moved to adjourn till to-morrow morning at 9 o'clock.

Lost by the following vote:

YEAS—Senators Ball, Brady, Brown, Carroll, Ford, Hobby, Ledbetter, Martin, Ripetoe—9.

NAYS—Senators Blassingame, Crain, Douglass, Edwards, Guy, Henry J. R., Henry F. M., McLeary, McCormick, McCulloch, Moore, Motley Piner, Smith, Terrell, Thompson, Wortham—17.

Senator Crain moved to adjourn until to-morrow morning, at 8:55.

Lost by the following vote:

YEAS—Senators Ball, Brady, Brown, Carroll, Ford, Hobby, Ledbetter, Martin, Ripetoe—9.

NAYS—Senators Blassingame, Crain, Douglass, Edwards, Guy, Henry J. R., Henry F. M., McLeary, McCormick, McCulloch, Moore, Motley, Piner, Smith, Terrell, Thompson, Wortham—17.

Senate Bill No. 102, "An Act entitled 'An Act to amend Article 393 of an act to adopt and establish a penal code for the State of Texas,'" approved August 20, 1856, was taken up and read second time.

Senator Martin moved to adjourn until to-morrow morning at 9 o'clock.

Lost.

On the engrossment of the pending bill, a vote was taken and no quorum present.

On motion of Senator McLeary absentees were sent for.

Absent Senators appeared.

Quorum present.

The bill under consideration was engrossed by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Edwards, Ford, Guy, Henry J. R., Henry F. M., Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Thompson—17.

NAYS—Senators Ball, Carroll, Ledbetter, McLeary—4.

NOT VOTING—Senators Crain, Douglass, Hobby, Terrell—4.

On motion of Senator Blassingame, the Senate adjourned until to-morrow morning at 9 o'clock.

FIFTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 24, 1876. }

Senate met pursuant to adjournment. President *pro tempore* in the chair. Roll called. Quorum present. Prayer by the Rev. Mr. Wharey.

Journal of Thursday and of yesterday adopted.

Senator Piner presented the petition of numerous citizens of Denton

county against the levying of an occupation tax, and asking for the repeal of all laws requiring such a tax, presenting many reasons in support of their request.

Referred to Committee on Finance.

Senator Brady presented the memorial of the Trustees of the Bayland Orphan's Home, through their Chairman, Hon. Ashbel Smith, "setting forth the history, wants, management, etc., of that charitable institution, representing it as a State Asylum for destitute orphans, its having inmates from thirty counties and being open to such destitute and helpless orphans from any locality in the State, and calling on the State to furnish means to properly educate these unfortunates.

Referred to the Committee on State Affairs.

Senator Brady presented the petition of many citizens of Brazoria county, "Asking that the plan of scattering the convicts of the penitentiary over the country be abandoned, enumerating the many evils resulting from this system; also calling attention to other shortcomings in the management of the penitentiary convicts as now practiced, and stating that the good citizens of the country are almost on the eve of revolt against the evils growing out of our present convict management."

Referred to the Committee on the Penitentiary.

Senator Martin submitted the following minority report from the Committee on Agricultural Affairs:

Hon. Wells Thompson, President pro tem. of the Senate:

The undersigned minority of your Committee on Agricultural Affairs, to whom was referred Senate Bill No. 99, entitled, "An Act to amend the penal code of the State of Texas," approved August 26, 1856, together with the amendments thereto, recommended by your Judiciary Committee No. 1; and also a substitute proposed by a minority of said Judiciary Committee, respectfully dissent from the report of the majority of your committee in its recommendation that said Senate Bill No. 99, together with the reported amendments of your Judiciary Committee No. 1, do pass. We respectfully dissent therefrom for the following reasons, to-wit: We are clearly of opinion that what is known as the Landlord and Tenant's Bill, passed by the Fourteenth Legislature, and approved April 4, 1874, with some amendments, is amply sufficient to protect the interests of landlords in general; we think the parties ought to be left their civil remedy, and while it is admitted that a more stringent remedy might be justified if it could be applied to some particular cases without involving too wide a departure from established principles, yet we are of the opinion that parties in such cases ought to be confined to their civil remedy for the enforcement of such contracts as they may enter into, and for which ample provisions is made by the statute aforesaid.

We, therefore, respectfully recommend that the bill do not pass; but that the bill herewith reported by the minority be substituted therefor. Under this bill the landlord has a preference lien upon the property of the tenant, which with, ordinary diligence on his part, is a full and ample security for the rents that may be due him. Besides, we think it unwise to affix penalties for the enforcement of civil contracts of this nature.

Under the 5th Section of this bill the parties have full and complete powers to make such contracts as it may be their interest to make, thus

leaving the whole question of adjusting these relations to the parties directly and immediately interested.

MARTIN,
BROWN,
MOORE,
GUY, } *Minority.*

On motion of Senator Brady, 50 copies of the original Senate Bill No. 99, with report of committee and substitute, were ordered printed, and made the special order for Friday next at 11 o'clock, A. M.

The President *pro tem.*, after publicly reading their captions, signed the following bills:

House Bill No. 1—"An Act making an appropriation of forty thousand dollars to finish and complete the State Agricultural and Mechanical College."

House Bill No. 100—"An Act to prevent the removal of rock, earth, sand, coal, slate or minerals from the premises of another, and prescribing a punishment therefor."

House Bill No. 88—"An Act to prohibit the sale, exchange or gift of intoxicating liquors in any county, Justice's precinct, city or town in this State that may so elect, prescribing the mode of election, and affixing a punishment for its violation."

A message was received from the House, announcing the passage by that body of the following bill:

Senate Bill No. 289—"An Act to abolish the office of Notary Public as it existed prior to the adoption of the present Constitution."

Also, that the House concurs in Senate amendments to House Bill No. 218, "An Act to provide for the public printing, binding and stationery by contract."

Senator Brady introduced a bill entitled: "An Act prescribing the times of holding the District Courts in the Twenty-fifth Judicial District."

Read by caption and referred to Judiciary Committee No. 1.

Senator Crain introduced a bill entitled: "An Act to provide for the change of venue by the State in criminal cases."

Read by caption and referred to Judiciary Committee No. 2.

Senate Bill No. 113, "An Act to authorize the Commissioner of the General Land Office to have the general indexes in said office transcribed," was taken up, read second time and ordered engrossed.

Senator Ball moved a suspension of the rules, to place the bill on its third reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Carroll, Crain, Douglass, Francis, Ford, Grace, Guy, Henry J. R., Hobby, Ledbetter, McLeary, Motley, Piner, Ripetoe, Smith, Stephens, Terrell, Thompson, Wortham—21.

NAYS—Senators Henry F. M., Martin—2.

NOT VOTING—Senators Brady, Brown, Edwards, McCormick, McCulloch, Moore—6.

The bill was read the third time, and on motion of Senator Hobby, further action on the bill was postponed for one week.

Senate Bill No. 115, "An Act entitled an act to amend Section 2 of an act entitled, 'An Act prescribing the mode of service in certain cases,'" approved March 15, 1875, was taken up, read second time, and the amendments of the committee adopted.

Senator Smith moved to strike out the last section of the bill.

Adopted, and the bill ordered engrossed.

Senate Bill No. 114, "An Act to authorize District Judges to remove county officers," was taken up, read second time, amendments of committee adopted, and ordered engrossed.

Senator Douglass offered the following resolution:

Resolved, That for the period of one week, after the passage of this resolution, no member shall speak more than once, nor longer than five minutes, upon any question, without the consent of the Senate.

Lies over one day under the rules.

Senator Crain moved to refer the resolution to the Committee on Rules.

Senator Ledbetter raised the point of order that the resolution of Senator Douglass, as the same in substance as had been disposed of before, was out of order.

The President decided the point of order not well taken.

Senator Edwards raised the point of order that the motion of Senator Crain was out of order, as the matter had been disposed of.

The President decided the point of order well taken.

Senate Bill No. 120, "An Act to amend Section 12 of an act entitled 'An Act concerning proceedings in the District Courts,' approved March 16, 1848, and to repeal Section 1 of an act entitled, 'An Act further regulating proceedings in the District Courts,'" approved February 5, 1858, was taken up and read second time.

Pending the consideration of this bill, the hour for the special order arrived, to-wit: Senate Bill No. 217, "An Act to encourage stock raising and for the protection of stock raisers," which, on motion of Senator Edwards, was postponed until Thursday next, and made the special order of that day, and from day to day until disposed of.

Senator Crain, for the Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully read, examined and compared Senate Bill No. 112, "An Act to amend an act to adopt a penal code for the State of Texas," approved Aug. 28, 1856; also, Senate Bill No. 162, "An Act to amend Articles 518 and 519 of an act entitled, 'An Act to adopt and establish a code of criminal procedure for the State of Texas,'" approved Aug. 26, 1856, and find them both correctly engrossed.

CRAIN, for Committee.

Senate Bill No. 83, "An Act to regulate the wearing of arms, with a view to prevent crime," and Senate Bill No. 51, "An Act to repeal Section 4 of an act entitled, 'An Act to regulate the keeping and bearing of deadly weapons,'" approved April 12, 1871, together with a substitute of a minority of Judiciary Committee No. 1, for both bills, entitled, "An Act to regulate the keeping and bearing of arms," being a special order of the day, were taken up.

Senator Piner moved that the majority report, recommending the adoption of the original bill, with amendments, be rejected.

Carried.

Senator Edwards moved that the minority report, which recommends the substitute for the original bill, be adopted.

Senator Smith moved that the bills lie over for the present.

Senator Grace moved to amend Senator Smith's motion by adding to recommit the bills.

Accepted by Senator Smith.

Senator Crain moved that the Senate go into Committee of the Whole.

Lost.

Senator Carroll in the chair.

Senator Edwards withdrew his motion to adopt minority report.

The bill was recommitted to Judiciary Committee No. 1.

President *pro tem.* in the chair.

Senator Edwards, from the Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate :

Your Committee on Engrossed Bills have carefully read, examined and compared the following bills and find them correctly engrossed: Senate Bill No. 97, "An Act to amend Section 1 of 'An Act to provide for a change of venue in civil cases,' approved April 7, 1874: Senate Bill No. 96, "An Act to amend the penal code of the State of Texas," approved Aug. 26, 1856; Senate Bill No. 102, "An Act to amend Article 393 of 'An Act to adopt and establish a penal code for the State of Texas,'" approved Aug. 28, 1856; Senate Bill No. 85, "An Act to amend Section 138 of an act entitled, "An Act to regulate proceedings in the District Courts," approved May 13, 1846.

EDWARDS, *for Committee.*

Senator Piner moved that the Senate adjourn until Monday morning at 9 o'clock.

Senator Crain moved to amend by inserting 10 o'clock instead of 9 o'clock.

Carried.

Senate adjourned until 10 o'clock Monday morning.

FIFTY-NINTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 26, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present
Prayer by the Chaplain.

Journal of Saturday adopted.

President in the chair.

The President, after publicly reading its caption, signed Senate Bill No. 289, "An Act to establish the office of Notary Public as it existed prior to the adoption of the present Constitution."

Senator McCulloch presented the petition of numerous citizens of Brazos county, "asking that the fees of county officers be not reduced below the fees allowed by the act of 1848, as lower fees than allowed then will not pay and secure competent men for those offices."

Referred to Judiciary Committee No. 1.

Senator Terrell presented the petition of many citizens of the city of Austin, "protesting against the passage of the bill granting a new charter to said city, giving many reasons for the same, but mostly local in their character.

Referred to Committee on State Affairs.